IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1036 OF 2006

Mr. Ashokkumar Ramadhar Singh ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. Dwevedi i/b APG & Assoc. for the applicant.
Ms. M.H. Mahatre for the respondent.

CORAM: V.M. KANADE, J.
DATE: 29th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 11/1/2006 by Dahisar Police Station in connection with M.C.R. No. 8 of 2006 for the offence punishable under section 415, 420, 486, 467, 471, 472 120(B) read with section 34 of the Indian Penal Code.

3. It is alleged that the applicant had entered into various agreements of sale in respect of certain property though he knew that there was a dispute regarding the title of the said property and that dispute was pending in the civil court.

4. The learned Counsel for the applicant has submitted that the applicant is a chronic asthmatic.

He submitted that the investigation is over and the offence under section 467 is not made out. It is submitted that it is not the case of the complainant that the signatures on the said agreement were either forged or fabricated. He submitted that, at the highest, the offence under section 420 would be attracted. It is an admitted position that the applicant has not forged any signature on any of the documents. The allegation is that he had received certain amount of money and had promised to deliver possession in respect of certain portion of the land situated at Dahisar. Since the investigation is almost over, there is no point in keeping the applicant in jail as an undertrial prisoner.

5. The applicant, therefore, be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The applicant shall report to Dahisar Police Station once in a month. The applicant may provide cash surety of Rs 10,000/- and execute P.R. bond and furnish surety in the said amount within two weeks thereafter.

6. Application is accordingly disposed of.

V.M. KANADE, J.